REMARKS

Claims 1-39 are pending in the present application. Claims 1, 17, 19-21, 32, 34, and 38 have been amended.

Rejections under 35 U.S.C. § 112

Claims 1-39 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. In particular, the examiner identifies the phrase "said reward identifier identifying a promotional incentive associated with a separate transaction" and similar language that appears in claim 1 and the other independent claims. The independent claims have been amended to change this language to refer to determining the identity of a user and "automatically" allocating a reward to the user when an advertising image is selected. Support for this amendment may be found, for example, at page 8, line 20 to page 9, line 9 of the present application. In view of the amendment to the claims, reconsideration and withdrawal of the rejection of claims 1-39 under 35 U.S.C. § 112, first paragraph is respectfully requested.

Claims 1-39 were rejected under 35 U.S.C. §112, second paragraph as failing to distinctly claim the present invention. As stated above, the independent claims have been amended, and the phrase "separate transaction" deleted from each claim. As amended, the new claims distinctly claim the present invention. Accordingly, reconsideration and withdrawal of the rejection of claims 1-39 under 35 U.S.C. § 112, second paragraph is respectfully requested.

Rejections under 35 U.S.C. §§ 102(e) and 103(a)

Claims 1-13, 16-25, 32-36 and 38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,256,614 to Wecker et al. ("Wecker"). Claims 14-15, 26-31, 37, and 39 were rejected under 35 U.S.C. § 103(a) as being obvious over Wecker.

Status of Wecker as Prior Art

It is noted that the Wecker patent claims priority to six different utility and provisional patent applications. The filing date of the present application is April 23, 1999. Thus, in order to qualify as a prior art reference, at a minimum, the disclosure cited in the pending Office Action must be filed before that date. The application (09/358,352) that issued as the Wecker patent was filed too late (July 21, 1999). Pursuant to MPEP § 706.02(f)(1)(B), it is burden of the Office to establish the appropriate date for disclosure in the Wecker patent. It is noted that Col. 2, lines 25-26 and Col. 7, lines 18-21, which have been cited in support of the §102(e) rejection, recite an "improvement invention" suggesting that the "improvement" was added as part of the continuation-in-part application filed after the present application was filed. Applicants respectfully request that Office confirm the filing date of the material used to support the § 102(e) and § 103(a) rejections of the pending claims.

Argument

The present invention is directed to a system that allows potential consumers to easily collect rewards, that enables the flexible and easy redemption of rewards, and that can direct traffic to promoters' websites.

As stated at page 14-15 of the application, the present invention includes the following benefits and features:

- does not require pre-registration;
- provides easy-to-redeem rewards; and
- will likely attract significant traffic to the promoter's website.

For example, a user simply clicks on an advertisement located on a webpage. The user can be automatically identified. A reward can be automatically allocated to the user. The user's Internet browser (for example) is then automatically redirected to the website of the appropriate promoter. This all can be done without user intervention.

The Wecker patent discloses a different architecture to the present invention, that has a different purpose, and that accomplishes that purpose in a different way.

The Wecker patent does not disclose that the reward is automatically allocated to the user when the user first clicks on the banner advertisement. The Wecker patent discloses that the user clicks on an advertisement, and then must log in. The user will not receive any reward unless and until the user logs in by providing identifying information, such as a PIN, name or email address (see, e.g. col. 6, lines 46-47; Fig. 1C) and answers survey questions (see, e.g., col 10, lines 4-6; col 10, lines 18-20 "mandatory fields" must be completed). Moreover, no reward is allocated unless the survey is completed correctly (col 10, lines 35-41; col. 11, lines 42-64).

In the Wecker patent, the rewards that are available to the user are only telephone calling cards and other card products. See col. 2, lines 19 to 29. In contrast, according to the present invention, the rewards available to users can be discounts in the nature of coupons. See, for example, page 8 of the present application. This difference highlights that the rewards assist in the promotion of a promoter's product or service. The Wecker patent discloses that the rewards are only a gift for example for completing a survey, and cannot be a promotional inducement

such as a coupon.

The Wecker patent discloses that the reward is sent to the user by email or via the display of a webpage. The reward is sent "[a]s soon as the user successfully completes the survey" (col. 3, lines 29-30). The Wecker patent discloses that rewards are "transmitted immediately" to consumers, and that this factor is "critical". (col. 4, lines 14-18).

In sharp contrast, according to the present invention, when the user is allocated a reward, the reward is not transmitted immediately to the user. The reward is stored in a central database, and the user must choose to redeem the reward. This enables users to store and accumulate rewards from a number of different promoter in one central location.

The Wecker patent does not have a mechanism to attract traffic to the promoter's website after the reward has been allocated. According to the Wecker patent, there is a banner advertisement offering a free reward. (Col 6, lines 42-43) When the user clicks on the banner advertisement, the user is taken to a log-in and survey form. No reward is given to the user simply because the user clicks on the banner advertisement. The Wecker patent does not disclose that after the user is allocated the reward, the user is automatically taken to the promoters website.

The Wecker patent merely discloses that targeted marketing messages may be subsequentially delivered to the user via email, after a data matching process. (Col 2, lines 49-62; col 4, lines 60-64). A user without an email address would not therefore obtain the targeted marketing messages, and these messages are not a direct consequence of the user selecting the banner advertisement.

This is in sharp contrast to the present invention, where a reward is allocated to the user as soon as the user clicks the banner advertisement, and without the need to do anything further, and then the user is automatically taken to the promoter's website.

The Wecker patent could be summarized as follows:

click on banner advertisement;

get transferred to website;

log in;

complete survey;

survey checked for completeness and accuracy;

reward sent to user; and

subsequentially, promotional email message may be sent to user.

In contrast, one aspect of the present invention could be summarized as follows:

click on banner advertisement;

reward automatically and seamlessly added to central database; and

user redirected to promoter's website.

The Wecker patent also has a different system to allow rewards to be redeemed. The user must select the reward prior to the reward being allocated. (col. 7, lines 40-46). As stated above, the Wecker patent discloses that the reward is sent to the user by email or via the display of a webpage. The reward is sent "[a]s soon as the user successfully completes the survey" (col. 3, lines 29-30). In sharp contrast, according to the present invention, rewards are stored in a central database, and the user can select which reward to redeem long after the user has become entitled to a reward. The application of the present invention states: "There is no need for rewards to be electronically or otherwise transmitted to the user." (p.10). Unlike the Wecker patent, the user is not required to select a reward before being allocated the reward. Moreover, according to one aspect of the present invention, the user must actively go to a central computer to select and redeem the reward.

Additionally, according to one aspect of the present invention, when the user selects a reward from the central database, control is based to the promoter's computer for the user to redeem the reward. This feature is not found in the Wecker patent. According to the Wecker patent, an ftp message is sent to the promoter's computer to tell the promoter about the reward, but the user is not taken to the promoter's

computer. In fact, to redeem the reward, the Wecker patent teaches that the user must make a telephone call to a calling card company (which may no be the promoter).

Finally, many features of the independent and dependent claims are not taught or suggested by the Wecker reference or covered by the pending Office Action. For example, claim 17 recites the features of "causing the user computer to connect with one of the plurality of promoter computers associated with the selected advertising image" and "redeeming the reward at the one of the plurality of promoter computers associated with the selected reward." Neither of these features are taught nor suggested in the Wecker reference. Applicants respectfully request that if Wecker is to be maintained as a reference under 35 U.S.C. § 102(e) or 103(a) that the basis for the rejection of all of the claimed features be presented.

Since basic features of each of the claims are missing from Wecker, reconsideration and withdrawal of the rejection of claims 1-39 under 35 U.S.C. §§ 102(e) and 103(a) is respectfully requested.

CONCLUSION

The Applicants respectfully submit that the present case is in condition for allowance and respectfully requests that the Examiner issue a notice of allowance.

The Office is hereby authorized to charge any fees determined to be necessary under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Kenyon & Kenyon **Deposit Account No. 11-0600**.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application.

Respectfully submitted,

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